

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1682 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy
of the judgement? No

4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?
No

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

BHUPENDRAPRASAD MOTILAL DAVE

Appearance:

MR PRANAV G DESAI for Petitioner

NOTICE SERVED for Respondent No. 1

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 29/07/98

ORAL JUDGEMENT

1. This revision has been filed under Section 115 of
the Code of Civil Procedure against the order of the
revisional Court.

2. Brief facts are that the tenant applied for fixation of standard rent. The revisionist before this Court raised objection that the said application was not maintainable. The trial Court rejected the said application for fixation of standard rent on the ground that it was not maintainable in law. Against that order the revision was preferred under Section 29(3) of the Bombay Rent Act which was allowed by the revisional Court under the impugned order. The revisional court after setting aside the impugned order passed by the trial Court, directed the trial Court to proceed further in accordance with law. In the opinion of the revisional court the application of the tenant respondent was maintainable in law.

3. A revision against an order of the revisional court under Section 115 C.P.C. is not maintainable. It will be abuse of the revisional jurisdiction of the high Court to entertain second revision. The revision was filed by the tenant and all the objections could be raised there. The matter was not finalised by the revisional court. On the other hand it had remanded the application for fixation of standard rent to the trial Court for proceeding in accordance with law. After remand the revisionist can raise objection before the trial Court. The second revision is dismissed as not maintainable. No order as to costs.

sd/-

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